

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: SCHWARTZ et al.

Title: METHOD AND SYSTEM FOR
AN EFFICIENT FUNDRAISING
CAMPAIGN OVER A WIDE
AREA NETWORK

Appl. No.: 09/764,787

Filing Date: 1/17/2001

Examiner: Nguyen, Tan D.

Art Unit: 3629

Confirmation Number: 7187

REPLY BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R § 41.39, this Reply Brief is submitted in response to the Examiner's Answer, dated October 9, 2007.

I. Introduction

Pursuant to the right under 37 C.F.R § 41.39, Appellant takes this opportunity to respond to certain comments set forth in the Examiner's Answer.

II. Argument

Several points raised in the recently issued Examiner's Answer bear further comment.

The key feature of the claimed invention is the ability to receive charitable contributions via a personal donation page. The likelihood of receiving a donation from a potential donor is increased by soliciting the donation at the personal donation page. The point at which a donation is solicited is personalized as much as possible. Rather than soliciting a donation at an organization's website, as disclosed in the prior art, a contribution is solicited via a personal donation page of an individual with whom the potential donor may have a personal relationship.

Appellant respectfully again notes that none of the cited references or any combination of references teach or suggest "receiving a charitable contribution ... via the personal donation page." The Examiner does not dispute this. Specifically, the Examiner acknowledges that the Costin reference fails to teach or suggest this feature. See Examiner's Answer, Page 7, lines 9-13. It was Appellant's understanding that the Examiner relies on McBrearty for this feature¹. However, the Examiner fails to indicate where McBrearty specifically discloses this feature. Instead, the Examiner references McBrearty as disclosing developing a personal relationship with

¹ In the Examiner's "Response to Argument" section of the Examiner's Answer, the Examiner addresses Appellant's argument by stating that:

McBREARTY is merely cited to teach the set up of a personal campaign by the solicitor so contribution can be made to the solicitor's campaign instead of the general campaign.

Examiner's Answer, Page 17, lines 7-9. Appellant is unable to distinguish this from the limitation recited in the claims: "receiving a charitable contribution via the personal donation page from a donor."

a donor “whereby the appeal is ‘be an intimate part of my campaign’ ... and not ‘please send money.’” Examiner’s Answer, Page 7, lines 14-18. The Examiner equates the “personal relationship” of McBrearty with a personal page.

The “personal page” by itself is not the limitation of the present claims. Rather, it is the ability to receive contributions via the personal donation page. As noted in Appellant’s main brief, this ability provides a substantial advantage in fundraising. Potential donors are more likely to make a charitable contribution when solicited for a donation on the personal donation page of the solicitor, with whom they may have a personal relationship. Nothing in McBrearty (or any other cited reference) teaches or remotely suggests this feature.

The Examiner also argues that it would have been obvious to modify the campaign page of Costin to obtain the personal donation page of the present invention. The Examiner alleges that “this is a balance between cost and profit” Examiner’s Answer, Page 6, lines 12-13. However, as noted above, it is not the “personal page” by itself which provides the benefit or profit of increased donations. As noted above, it is the ability to receive donations via the personal donation page. Thus, merely providing a personal page does not provide the profit noted by the Examiner. As acknowledged by the Examiner, Costin fails to teach or suggest “receiving a charitable contribution ... via the personal donation page.”

“A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” *In re Rijckaert*, 9 F.3d 1531, 1532, (Fed. Cir. 1993) (emphasis added). There is no teaching of the relevant feature of the present invention in any of the cited references.

Accordingly, reconsideration and reversal of the rejection of the claims is once again respectfully requested.

Respectfully submitted,

Date December 10, 2007

By 

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